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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210643
Party	Plaintiff Tristar Products, Inc.
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Submission	Other Motions/Papers
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Date	10/15/2013
Attachments	Motion to Consolidate.pdf(10243 bytes)

)	
Tristar Products, Inc.)	
Opposer,)	
)	Opposition No. 91210643
v.)	
)	Cancellation No. 92057408
Blue Gentian, LLC)	
Applicant)	
)	

Pursuant to Federal Rule of Civil Procedure 42(a), Opposer, Tristar Products, Inc., moves for an order consolidating Opposition No. 91210643 and Cancellation No. 92057408 (the “Proceedings”) pending before the Trademark Trial and Appeal Board.

1. The Opposer/Petitioner and Applicant/Registrant in both proceedings are identical.

2. The Opposition and Cancellation are in the same procedural stage, i.e., the answers have been filed, Discovery has opened in the Cancellation and Discovery is about to open in the Opposition.

4. Both Proceedings involve Applicant's/Registrant's trademark with a description of "a coiled hose for garden hose".

5. The Proceedings involve similar facts and common questions of fact and law.

Opposer/Petitioner believes that consolidating the Proceedings would advance judicial economy by saving the Board and the parties unnecessary costs, efforts and delays.

Applicant/Registrant has consented to consolidation of the Proceedings.

Opposer/Petition respectfully requests that the Board issue an order consolidating the two proceedings and schedule the opening of Discovery on the schedule of the “parent” case:

Opposition No. 91210643.

Respectfully submitted,

Dated: October 15, 2013

/cheryl a. clarkin/

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Attorneys for the Opposer/Petitioner,
Tristar Products, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing CONSENTED MOTION TO CONSOLIDATE was served on counsel for Applicant/Registrant, this 15th day of October, 2013 by sending same via First Class Mail, postage prepaid, to:

Carl J. Spagnuolo, Esq.
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/cheryl a. clarkin/
Cheryl A. Clarkin